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EXAMINER				
SHIFERAW, ELEN A				
ART UNIT		PAPER NUMBER		
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03/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,218

Applicant(s)

BENTVELSEN ET AL.

Examiner

ELENI A. SHIFERAW

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 11/02/2005
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claims 1-23 are presented for examination.

Information Disclosure Statement

The information disclosure statement filed 11/02/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

Claim 17 is objected to because of the following informalities: It is noticed that applicant's "record carrier" of line 1 on claim 17 is a "ROM disc" according to applicant's disclosure, see page 3 last paragraph. However "record carrier" could also mean a carrier wave or communication media or as simple as a piece of paper which renders the claim unpatentable according to 101 non-statutory condition(s). Applicant is advised to use same/similar word as his disclosure. Appropriate correction is required.

Claims 18, 19, 20, 21 and 22 are objected for the same reason as claim 17 above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Gooch US Pub. 2003/0086566 A1.

Regarding claims 1 and 23, Gooch discloses method of copy detection (0001) of a record carrier (fig. 1 element 1) on which table of content entries are mastered (0018 and fig. 2 element 7; *disc table*), characterized in that said table of content entries are mastered on said record carrier in a detectable non-standard way (0060, 0006, 0010, 0034-0035 and fig. 2).

Regarding claims 12 and 19, Gooch discloses method/apparatus of read-out of a record carrier (fig. 1 element 1) on which table of content entries are mastered (0033-0037), comprising the steps of:

reading said table of content entries (0026, 0058 and claims 12-13),
checking if said table of content entries are mastered in a standard or a non-standard way (0060, 0006, 0010, 0034-0035 and fig. 2), and
outputting a signal indicating if said table of content entries are mastered in the standard or in a non-standard way (0009-0010 and 0035-0037).

Regarding claims 15-16 and 20, Gooch discloses method/apparatus of read-out (0033-0037) of a record carrier (fig. 1 element 1) on which subcode data are stored in subcode frames of a subcode channel, each subcode frame comprising synchronization symbols and data symbols at predetermined positions within said subcode frame, comprising the steps of:

read-out of said subcode channel (0054-0055),

checking if additional synchronization symbols are stored to at least one subcode frame at positions provided for data symbols (0041, 0034-0035 and fig. 2), and

outputting a check signal indicating the presence or absence of said additional synchronization symbols in at least one subcode frame (0052-0053, 0009-0010 and 0035-0037).

Regarding claim 17, Gooch discloses apparatus for copy detection (0001) of a record carrier (fig. 1 element 1) on which table of content entries are mastered (0018 and fig. 2 element 7; *disc table*), characterized by control means for controlling the mastering of said table of content entries on said record carrier such that said table of content entries are mastered in a detectable non-standard way (0060, abstract, 0010, 0034-0035 and fig. 2).

Regarding claim 21, Gooch discloses record carrier on which table of content entries are mastered, characterized in that said table of content entries are mastered (0018 and fig. 2 element 7) in a detectable non-standard way (0060, 0006, 0010, 0034-0035 and fig. 2).

Regarding claim 22, Gooch discloses record carrier on which subcode data are stored in subcode

frames of a subcode channel (0020-0021 and 0050), each subcode frame comprising synchronization symbols and data symbols at predetermined positions within said subcode frame (0041), wherein a number of additional synchronization symbols are assigned and stored to at least one subcode frame at positions provided for data symbols (0049-0050), so that during read-out of said subcode channel a check signal can be generated in response to detection of said additional synchronization symbols (0052-0056 and 0035-0037).

Regarding claim 2, Gooch discloses method wherein the sequence of table of content entries is mixed up compared to the standard sequence (0033-0034 and fig. 2).

Regarding claim 3, Gooch discloses method wherein a number of repetitions of table of content entries is varied compared to the standard number of repetitions (0033-0036).

Regarding claim 4, Gooch discloses method wherein said table of content entries are only in a predetermined area on said record carrier mastered in a detectable non-standard way (0060, 0006, 0010, 0034-0035 and fig. 2).

Regarding claims 5, 11, and 18, Gooch discloses method further comprising the steps of: storing subcode data on said record carrier in subcode frames of a subcode channel (0020-0021 and 0050), each subcode frame comprising synchronization symbols and data symbols at predetermined positions within said subcode frame (0041), and assigning and storing a number of additional synchronization symbols to at least one subcode frame at positions provided for

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data symbols (0049-0050) so that during read-out of said subcode channel a check signal can be generated indicating the presence or absence of said additional synchronization symbols 0052-0056 and 0035-0037).

Regarding claim 6, Gooch discloses method wherein a unique identifier uniquely identifying said record carrier is stored in said subcode frames and wherein said unique identifier is only outputted if said check signal indicates the presence of additional synchronization symbols within said subcode frames (0052-0053, 0009-0010 and 0035-0037).

Regarding claim 7, Gooch discloses method wherein copying of said record carrier is prevented if said check signal indicates the absence of additional synchronization symbols in said subcode frames (0052-0053, 0009-0010 and 0035-0037).

Regarding claim 8, Gooch discloses method wherein additional synchronization symbols are stored in each subcode frame, in particular at the end of each subcode frame (0049-0050).

Regarding claim 9, Gooch discloses method wherein said subcode frames are part of a subcode Q-channel, in particular as defined in the Red Book for CD audio or in the Yellow Book for CD-ROM (0017 0020, and 0041).

Regarding claim 10, Gooch discloses method wherein said data symbols stored in said subcode frames comprise a unique identifier and error correction data and wherein said additional

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synchronization symbols are stored to said at least one subcode frame on the cost of said unique identifier or said error correction data (0020, 0041, 0044 and 0053).

Regarding claim 13, Gooch discloses method wherein a unique identifier uniquely identifying said record carrier read from said record carrier is only outputted if said table of content entries are mastered in a non-standard way (0060, 0006, 0010, 0034-0035 and fig. 2).

Regarding claim 14, Gooch discloses method wherein copying of said record carrier is prevented if said table of content entries are mastered in a non-standard way (claim 12 and 0033-0035).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELEN A. SHIFERAW whose telephone number is (571)272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eleni A Shiferaw/
Examiner, Art Unit 2136
3/12/08

/Nasser G Moazzami/
Supervisory Patent Examiner, Art Unit 2136